

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KHYATI ANDREWS,

Plaintiff,

v.

**SEARS HOLDING CORPORATION, d/b/a
SEARS,**

Defendant.

No. 08 CV 0406

**Hon. Ronald A. Guzman
Judge Presiding**

Magistrate J. Mason

**PLAINTIFF’S MOTION TO EFFECT DEPOSITIONS IN EXCESS OF
FEDERAL RULE OF CIVIL PROCEDURE 30(a)(2)(A) LIMITATIONS**

NOW COMES the Plaintiff, KHYATI ANDREWS, by and through her attorney, LISA KANE of LISA KANE & ASSOCIATES, P.C., and respectfully move this Honorable Court for leave to effect depositions in excess of Federal Rule of Civil Procedure 30(a)(2)(A) limitations, and as grounds for this Motion, state as follows:

1. Fed. R. Civ. P. 30(a)(2)(A) requires that a party obtain leave of court if more than ten depositions are to be taken and states that such leave “shall be granted to the extent consistent with the principals stated in Rule 26 (b)(2).” Fed. R. Civ. P. 26 (b)(2) relates to the Court’s power to limit discovery if the Court “determines that: (i) discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (iii) the burden or expense of the proposed discovery outweighs its likely benefit....”

2. Plaintiff in this cause of action is alleging Civil Rights violations for race

discrimination and retaliation pursuant to 42 U.S.C. § 2000e (“Title VII”) and 42 U.S.C. § 1981.

3. Plaintiff in this matter has disclosed persons with information relevant to her claims who must necessarily be deposed.

4. The Defendant has additionally disclosed numerous specific individuals in its Fed. R. Civ. P. 26(a)(1) disclosures who are likely to have discoverable information relating to Plaintiff’s workplace or the treatment of Plaintiff, all of whom it will be necessary for Plaintiff to depose.

5. Ten Depositions were noticed by Plaintiff on April 24, 2008, and the parties have worked diligently and cooperatively to schedule the depositions

6. Based on recent deposition testimony, Plaintiff’s counsel has determined that an additional deposition will be necessary for Roman Tylka, a former employee of Defendant, who has knowledge of the racially discriminatory environment at the Chicago Ridge Unit #1840 store created by the decision-maker involved in the adverse actions against Plaintiff.

7. The fact discovery cut-off in this matter is July 15, 2008. The parties will meet the court-ordered discovery cut-off.

8. Plaintiff’s counsel has sought the agreement of Defendant and is still awaiting a response.

9. This motion is submitted in the interests of justice and not for purposes of delay.

WHEREFORE, Plaintiff, KHYATI ANDREWS, respectfully requests that this Court enter an order granting her leave to depose more than ten (10) witnesses in this matter.

Respectfully submitted,
KHYATI ANDREWS, Plaintiff,

By: s/Lisa Kane
Lisa Kane, Attorney for Plaintiff

LISA KANE & ASSOCIATES, P.C.
Attorney for Plaintiff
120 South LaSalle Street, Suite 1420
Chicago, Illinois 60603
(312) 606-0383
Attorney Code No. 06203093